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THE
D E B A T E
IN THE
HOUSE OF COMMONS,
ON
MR. BEAUFROY's MOTION
FOR *England - Parl - 1789*
[Proceedings cont'd.]
THE REPEAL OF SUCH PARTS
OF THE
TEST AND CORPORATION ACTS
AS AFFECT THE PROTESTANT DISSENTERS.

ON FRIDAY THE EIGHTH OF MAY, 1789.

L O N D O N:

PRINTED FOR J. JOHNSON, NO. 72, ST. PAUL'S CHURCH YARD.

M D C C L X X X I X.



P R E F A C E.

A SUFFICIENT apology, *at all times*, for the following publication would be furnished by the acknowledged importance of the subject, and by the distinguished talents of the principal speakers: but, *at this particular period*, when a general expectation prevails that the discussion will soon be renewed, a fair and candid account of the arguments that were urged by the advocates for Mr. Beaufoy's motion, on the one hand, and of those that were offered by its opponents, on the other, acquires a more than ordinary value; for it enables the friends of civil and religious

religious freedom, to judge, with certainty and precision, of the grounds on which the rights of a large proportion of his Majesty's faithful and affectionate subjects are disputed and withheld; and to their adversaries, it equally affords the means of calmly and dispassionately reviewing the principles of their late opposition;— an opposition which supposes, that national happiness is at variance with religious toleration: that the security of the Church of England is best upheld by an infringement of the civil rights of all who dissent from her system: and that the interests of the Christian faith, as established by law, require the prostitution of a religious sacrament to uses that are merely political.

From the event of the last discussion in the House of Commons, compared with that which followed from the debate on the same subject in the year 1787, it is evident, that the arguments which support the claim of the Protestant Dissenters to a complete toleration

ation, have already produced an important and extensive effect; and there is reason to believe that the final success of that claim is neither dubious, nor remote: for where, on farther deliberation, the legislature, in all its branches, shall have obtained a more competent knowledge, as well of the persons who solicit the relief, as of the nature and limited extent of their prayer, it will appear, with a fulness of evidence of which few subjects are capable, that to grant to the Dissenters the enjoyment of their civil rights is not, in abstract consideration, more reasonable and just, than it will, in practice, be productive of augmented security to the Church, and of additional strength, prosperity, and happiness to the State.

Should the Reader be desirous of knowing from what materials the following publication was prepared, he is informed, that the collective aid of different memories, assisted by that account of the debate which was published

by Mr. Woodfall, has been industriously employed; but the best proof that the Narrative is faithful to the spirit, and, in a great degree, to the words, of the different speakers, will be found in the internal evidence of the speeches themselves.

H I S T O R Y

OF THE D E B A T E, &c.

MR. BEAUFROY opened his speech with an account of the reasons which had induced the Dissenters to renew their application to Parliament, and with a few remarks on the temperate conduct which had distinguished their proceedings. He observed that, notwithstanding their former disappointment, their confidence in the general disposition of the House to do justice to the injured, and to give relief to the oppressed, had suffered no diminution: that they were sensible how difficult it was, even for the best and wisest men, to relinquish, on the evidence of a single debate, the prejudices which misinformation had led them to adopt: that they could not but recollect how often the Legislature had granted, as in the case

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of the Dissenting Ministers, the very requests which causeless apprehensions had before induced them to refuse; and that they could not but hope that, as their merit as citizens was acknowledged, they might venture, without offence, a second time to solicit, from the natural Guardians of all descriptions of the people, a candid and impartial hearing.

He reminded the House that, in their former application, the Dissenters, far from wishing by a multitude of petitions to display their numbers and political consequence in the State, had placed their reliance on a plea to which numbers give no additional strength: for they knew that, to the ear of a British Parliament, the voice of justice ascends with as much effect from the few as from the many, from the feeble as from the strong: that the same temper had marked their subsequent conduct; for however sensibly they felt the hardship of continuing subject, though guiltless of offence, to such disabilities, and to such dishonour, as few offences can deserve; yet they had not indulged the language of complaint, nor had they sought the aid of political alliances, or endeavoured to avail themselves of party divisions: much more elevated had been their line of conduct;

duct; for they had patiently waited the arrival of a period in which the wisdom of a complete toleration should be generally acknowledged, and in which the experience of other nations should have proved that such a toleration would strengthen the interest of the Established Church, and so entirely destroy the bitterness of religious variance that the State would afterwards be as little affected by that variance as by a difference of opinion in natural philosophy or any other speculative science.

Mr. Beaufoy then proceeded to observe that, while he described with satisfaction the temperate conduct of the Dissenters, he was perfectly aware that among them, as in all large societies, intemperate individuals might be found; but that to impute to the Dissenters the unauthorized language and unsanctioned asperities of such men, would be as absurd as to expect that in a large multitude of people no man of a peculiar cast of mind, who measured his opinions by a standard of his own, was ever to be found: that it would be as unjust as to charge on the Church of England those principles of despotism, those maxims of civil thraldom, which particular clergymen have sometimes inculcated from the pulpit.

Who, said he, does not know that the settled maxims and fundamental axioms of the British constitution have been condemned by a higher authority in the Church of England than any which the Dissenters own; yet what man is either so weak or so wicked as therefore to declare that the Church of England is hostile to the laws and constitution of her country? It is not by the tenets of any individual, however respectable, but by the *spirit of their general conduct*, by the *settled tenour of their actions*, that public societies ought ever to be tried; and measured by that standard, whether as faithful and affectionate supporters of his Majesty's illustrious house, as citizens, zealous for the constitution of their country, or as Protestants, who, in doubtful and difficult emergencies, have proved themselves friends to the Established Church, the Dissenters will be found on a level with the most distinguished of their fellow-subjects.

Such are the men who are anxious to throw themselves once more on the justice and liberality of Parliament; persuaded that the House will forgive the natural solicitude of Englishmen to be freed from undeserved degradation and unmerited dishonour; from a dishonour which lessens the

use

use, in proportion as it diminishes the *lustre*, of virtue; from a degradation that not only deprives them of the common privileges of *subjects*, but that also bereaves them of a right which belongs to them as *men*—the right of defending their fortunes, their liberties, and their lives.

Upon entering on the important task which his fellow-subjects had assigned him, Mr. Beaufoy said, he was happy to reflect that some of the points, on which in the former debate he thought it his duty to enlarge, would now require but little discussion; and that others might be taken for granted, as known and admitted truths.

For he should think it superfluous to prove that the grievance from which the Dissenters solicit relief is a *civil* and not an *ecclesiastical* oppression; that they complain of being injured as *citizens*, of being wronged as *Englishmen*, and that all they ask is, a restoration of their civil rights, and permission to give proofs to the world, that no men regard danger less, or value their country more. He said, he should think it equally superfluous to shew that the exclusion of the Dissenters from civil and military offices was not the reason for which the Test Act was origi-

nally passed ; for that all who had consulted the journals of Parliament, or even common histories, on the subject, must know that the assembling of an army under Catholic officers, for the purpose of overawing the proceedings of Parliament, and the stationing of that army within an hour's march of the capital, were the circumstances which gave rise to the statute.

He observed that the sacramental *clause* in the Corporation Act was intended, in like manner, against the Catholics alone ; for, as the other provisions of the statute, by dispossessing the enemies of the Court, had established the influence of the Crown in all the corporations of the kingdom, the Parliament was naturally apprehensive that in the *next* reign, under a *Catholic* King, all corporation offices would be filled with *Catholics*. That it was obvious that the *clause* which enacted the Sacramental Test could not be intended against the Dissenters, there being at that time no such description of people ; for as the Act of Uniformity, which produced the separation, was not passed till a subsequent period, those who were afterwards called Dissenters were at that time within the enclosure of the Church, and consequently participated

cipated in her sacraments: the *sacramental clause* must therefore have been intended as a guard against the *Catholics*, to whom it effectually applied, and not as a guard against those who were *afterwards* called *Dissenters*, on whom at that period it could not operate.

But though the exclusion of the Catholics from civil and military employments was the object for which the Test and Corporation Acts were passed, yet the continuance of these acts with that view was altogether useless; for, if the exclusion of the Catholics from the offices of executive government were still thought expedient for the State, *that* exclusion might be effectually obtained by the same oath of supremacy, and by the same declaration against a leading article of their faith, which debarred them from a seat in either house of Parliament.

The last point, which he mentioned, as too well known to stand in need of discussion, was the sufficiency of the oath of abjuration to exclude from civil and military employments all persons of a different faith from the Christian; as every man who takes that oath swears, that he takes it on the faith of a Christian.

After these preliminary remarks, Mr. Beaufoy proceeded to a specific statement of the Dissenters' case, which involved in it two different questions,—1st. Have the Dissenters a right, in common with their fellow-subjects, to the usual privileges and general benefits of citizenship?—2dly. If they have this right, what benefit does their exclusion from the enjoyment of it produce to the Church or State?

If the first of these questions were proposed to the consideration of a foreigner, he would naturally ask “What are these Dissenters, that their right to the common privileges of citizens should be disputed? Are they *slaves* to the rest of the community, or are they *offenders* who have forfeited their privileges by their crimes; or are they persons who, from their religious tenets, are *unable*, or, from disaffection to the State, are *unwilling*, to give the usual and necessary pledges of civil obedience?” — Not as *slaves* to the rest of the community do we deny them the usual privileges of citizens; for, thanks to the spirit of our ancestors, there is in Great Britain no such description of men! — Not as *criminals* do we exclude them from the enjoyment of their rights; for of the millions of subjects who inhabit the kingdom, there

there are none of more untainted integrity, or of more unquestionable honour. — Not as persons who are *unable* or *unwilling* to give a sufficient pledge of their obedience to the State do we reject them; for such is the satisfaction we feel in the pledges they give of their attachment; such is our reliance upon the oaths which they are at all times willing to take, that, without hesitation or reserve, we admit them to the highest of all trusts, that of Legislative power; but the real ground on which we refuse them the rights and privileges, which their fellow-citizens enjoy, is, their presuming to *think* that in those concerns of religion which relate not to *actions*, but *opinions*, it is every man's duty, as it is every man's *right*, to follow the dictates of his *own understanding* — To believe the evidence of another man's *judgment*, in opposition to the conclusions of their own, they conceive to be as impossible, as to credit the testimony of another man's *sight*, in opposition to the evidence of their own eyes. It is this adherence to a necessary conclusion from self-evident premises; it is this attachment to an unavoidable inference from axioms which no man living disputes: it is this uniform regard for the rights of private judgment in matters of religion, which, in the contemplation of the law, outweighs all

sense

sense of their virtues as men; all esteem for their patriotism as citizens; all respect for their loyalty as subjects: It is this, which exposes them to civil *disabilities*, without the commission of any civil *offence*: it is this, which subjects them to *punishment*, though unsuspected of *guilt*: it is this, which places them, as far as the law can place them, in the same state of disability and dishonour with those who are publickly convicted of wilful, corrupt, and deliberate perjury. Because you refuse to be *hypocrites*, therefore, says the law, you shall be treated as if you were *perjured*. No office under the Crown, though your Sovereign may invite you to his service; no commission in the army, though the enemy may be marching to the capital; no share in the management of any of the commercial companies of the kingdom, though your whole fortune may be vested in their stocks, shall be yours: from the direction of the *Bank of England*, from that of the *Russian*, the *Turkey*, and *South Sea Companies*, you are entirely debarred; for if you accept of any share in the management of these companies, or of any office under the Crown, or of any military employment, you are *within the penalties of the Statute*.—In the first place you forfeit to the informer the sum of 500*l.*; if you cannot discharge

charge that sum without delay, the penalty is imprisonment; if you cannot discharge it at all (as may be the case with many a brave officer who has offended against the law by fighting the battles of his country) the penalty is imprisonment for life.—In the next place, *you are incapable of suing for any debt.* Does any man owe you money? Have you entrusted him with your whole fortune? It is in his power to cancel the debt, by annulling your means of recovering it; and, for this act of dishonesty, for this act of consummate fraud, for this act of treachery in the extreme, the Parliament assigns him a reward of 500*l.*, to be collected from the wreck of your fortune.—In the third place, *you are condemned to the punishment of outlaws.*—for wrongs, for insults, for injuries, however atrocious, you shall have no redress. To the complaints of others against you the ear of the magistrate is open; but to *your* supplications, to *your* prayers, to *your* complaints, it is, from this time forward, inexorably shut. You are consigned to wretchedness and penury for life.—In the fourth place, *you are incapable of receiving any legacy;* the inheritance bequeathed to you by your parents you cannot take; your rights as a son are cancelled.—In the last place, *you are incapable of being guardian to any child, even to your own.* The former penalty

penalty annihilated your rights as a *son*, this abrogates your privileges as a *parent*—Such are the strong coercions by which the Dissenters are excluded, not only from their most valuable privileges as citizens, but from rights which they hold by a higher title, and claim by a superior authority, than any which civil governments bestow. How hard then is the situation of a Dissenter! If he should *disobey* the law which excludes him from civil and military employments, and should accept of any office to which the choice of his Sovereign, or the confidence of his fellow-citizens may invite him, he is robbed of his fortune, stripped of his inheritance, deprived of his personal security, and bereaved of the privileges which result from the natural relation of a father to his child. If, on the other hand, he should *obey* the law, and should refrain from employments in the army, in the State, or in the commercial companies of the kingdom, he submits to the same disability, and acquiesces in the same degradation which belongs to those who are convicted of wilful, corrupt, and deliberate perjury; he is loaded with the same punishments which are inflicted on those who have trampled on the first principles of religion, broken down the strongest fences of civil government, and violated the most solemn obligations

tions of human society. Such disabilities, so imposed, are naked and undissembled wrongs; and wrongs inflicted for religious opinions merely constitute *persecution*. For what is persecution, *but injuries inflicted for a religious belief?* it is its genuine definition, its just and accurate description. What then are the consequences which follow from these melancholy facts? Ungracious, and, perhaps, unexpected as the conclusion is, we are compelled, by the evidence of truths which we cannot dispute, to acknowledge that the pretended *toleration* of the Dissenters is a real *persecution*—a persecution which deprives them of a *part* of their civil rights, and which, with the *same justice*, and on the *same plea*, might equally deprive them of the *rest*—a persecution which denies them the *management of their property*, and which, with the *same justice*, and on the *same plea*, might equally take from them the *property itself*—a persecution which deprives them of the *right of defending their liberties and lives*, and which, with the *same justice*, and on *precisely the same plea*, might equally deprive them both of *liberty and life*. If one degree of persecution may be justified, another degree of it, under different circumstances, may be justified also. Let but the *principle* be once admitted, and the inquisitions of Portugal and

and Spain cease to be objects either of ridicule or abhorrence.

Mr. Beaufoy then proceeded to the *second* of the two questions which he had stated, viz. What advantage to the Church or State results from refusing to the Dissenters the common privileges of citizens? Those, he observed, who contend that the Test and Corporation laws are essential to the safety of the Church of England, must mean that these laws are a protection to the tythes and other revenues which belong to her establishment, and to the offices and honours which constitute her hierarchy. The question consequently is, would the Dissenters, if the Test and Corporation acts were repealed, have either the *disposition*, or the *power*, to deprive the Church of her revenues and dignities? That they would not have the *disposition* he proved from their conduct in the reign of King James the Second, when they chose to share her hazards, rather than desert her interests; and from their present conduct in Ireland, where the Church acknowledges that she owes her safety to their attachment. He also supported this part of his argument, by shewing that the good will of the Dissenters towards the revenues of the Church is ensured (and if the statutes in question were repealed would

would still be ensured) by the particular circumstances of their character and situation. These circumstances are, that the Dissenters, generally speaking, (for undoubtedly there are many exceptions) belong not to the *landed* interest of the kingdom, which bears the principal burthen of the tythes, but to the *commercial* interest, on which the weight is comparatively light — that the voluntary subscriptions of the Dissenters for the maintenance of their clergy are too small in their *amount* to be felt as a *burthen*; and in their *destination and use* are constantly regarded as a *privilege* — That the several denominations of the Dissenters differ as much from each other, as from the established Church, and are so far from being hostile to its ministers, that he believed the Clergy themselves would acknowledge that, of the *voluntary* contributions which they received from their parishioners, those of the Dissenters, in proportion to their numbers and their means, are, in general, the highest and most liberal. — From these remarks on the *disposition* of the Dissenters, he passed on to the consideration of the additional *power* that would be given them by the Repeal, of the statutes in question. He said, that to such classes of the Dissenters as are not able to give a sufficient pledge of their civil obedience it would be no acquisition. That the Quakers, who undoubtedly are enemies

mies from principle to the revenues of the Church, would still be excluded from the offices of executive government, by their refusal to take the Oath of Allegiance; and that the Catholics also would still be excluded, by their refusal to take the Oath of Supremacy.—That he did not mention the Methodists; for, unless the utmost ardour of devotion, joined to the strongest attachment to the doctrines of the Church, can be called differing from the Church, he knew not on what ground they could be considered as Dissenters. That the only persons who would derive an advantage from the proposed Repeal would be the Presbyterians, the Independents, and the Baptists; and that this advantage would consist of nothing more than the liberty to serve their Sovereign, when he should call upon them for the aid of their integrity and talents; the liberty to serve their fellow-subjects, when they should elect them to offices of trust; the liberty of taking a part in the management of their own commercial concerns; and the liberty of hazarding their lives in the defence of their native land.—What possible injury, he asked, *can* result to the Church from an act of such obvious justice, as the restoration of rights, in themselves so clear and undisputed?

The security of the Church, he observed, depends on the legislature alone—but what change in the legislature could the repeal of the sacramental statutes possibly produce? already the Peers, though appointable without limit, by the Sovereign, are free from the obligation of the Sacramental Test—already the members of the House of Commons are exempted from this restraint—already the electors are at liberty, without that requisite, to give their votes in the appointment of the Representatives of the people—Thus it is evident, that whether we fix our attention on the persons who compose the two houses of Parliament, or on those who nominate to its elective branch, the abolition of the Sacramental Test could produce no possible Change in the situation of the Church; for it would not affect the *only* power that is able to bring, on her revenues or honours, the slightest detriment, or to accomplish, in any part of her establishment, the most trivial alteration.

What objection then, on the part of the Church, can be stated to the proposed Repeal? One indeed, and but one, has formerly been urged; and that is, “ that if the Dissenters are gratified “ in their present request, new requisitions, of

" less justice, will follow."—Indeed! And shall the Parliament of Great Britain be so forgetful of its dignity as to say, by its conduct, to any part of the people, " that which is *unjustly* withheld from your possession we are afraid to restore; lest, against all justice, and in defiance of all reason, you should afterwards proceed to requisitions, to which *you have not the shadow of a claim*. We dare not comply with a *fair and rational* request, lest an *absurd and extravagant* proposal should afterwards be made."—What individual, in private life, of common integrity and of common firmness, ever urged, as a reason for refusing to discharge a just debt, that he might afterwards be asked for money which he does not owe? And shall the legislators of the greatest empire in the world permit themselves to entertain that sort of distrust of their own fortitude, and of their own honour, that would discredit the meanest of their subjects?—But what farther requisitions *could* the Dissenters make? What oppression would remain? What grievance would be left?

If any hazard can attend the abolition of the Sacramental Laws, it is on the *Dissenters themselves*, and not on the *Established Church*, that the danger

danger will be brought. To *her* the repeal is increase of attachment, accession of good-will, and confirmation of security.—To *them* it is weakness of union, abatement of zeal, and diminution of ardour. As *men* who value their rights, as *citizens* indignant of oppression, their benefit from the Repeal will indeed be great; but as *Dissenters*, as persons who form a separate class, and constitute a distinct interest in the community, the Repeal is an irreparable loss; for the decline of their power will soon follow the close of the persecution to which it owes compactness, energy, and strength.—How visionary then, how perfectly ideal, are all apprehensions of the effect of this measure on the interests of the Established Church!

In every kingdom, and in every republick of Europe, a national Church is established; but no one of those states, England and Ireland excepted, ever yet had recourse to the impolitic, as well as unjust and unnatural, expedient of a Sacramental Test for civil and military employments. Ireland has seen the folly of such a conduct; and, avowedly with a view of *strengthening her Established Church*, has *repealed her Test and Corporation Laws*, and restored to the *Dissenters* the possession of their rights.

The world has learned to discriminate between *civil conduct*, (for the fidelity of which, as belonging to the jurisdiction of men, the State has a right to demand a pledge) and *religious opinions*, of which no earthly tribunal can have cognizance. They feel the absurdity, as well as the presumption, of making the abstract tenets of *religious belief* a reason for depriving the subject of his *civil privileges*. They despise the *weakness*, as much as they abhor the *malignity*, of the doctrine which announces the temporal interests of the Church as a rule of higher obligation than that which flows from the eternal principles of justice. They despise its weakness, because they know that a breach of the immutable laws of justice can never be permanently favourable to any religious establishment; and they abhor its malignity, because they equally know how often it has steeled the *human heart* against every *human feeling*, polluting the earth with blood, and converting the globe to a place of misery and torment.

It is not for the *advantage*, nor can it be for the *honour*, of the *Church* to contend for the continuance of statutes, the principles of which, however checked in their operation by the lenient temper

temper of the times, are so adverse to humanity, and therefore so hostile to religion.

If then these persecuting statutes are defensible at all, their defence must be found in the interests of the *state* alone.—What on this subject were the sentiments of our great deliverer King William the Third, what were the sentiments of the first of his Majesty's illustrious house who wore the crown of Great Britain, we fortunately know; for the journals of Parliament have informed us how much they lamented that so many of their loyal and affectionate subjects should be excluded from their service. But the language of things is still stronger than that of those illustrious men; for who, without astonishment, can reflect that a large proportion of the commercial part of the community is excluded, by law, from all share in the management of its most important commercial concerns? Or who, without indignation, can hear that a considerable part of his Majesty's most faithful people cannot bear arms, in the defence of *his* rights and of their *own*, without being liable to penalties that strip them at once of all that is important to the *citizen*, or that is valuable to the *man*?

Does the voice of the Sovereign, in a fearful and perilous season, call the Dissenters to his service? or does the generous impulse of affection for their native land, urge them to oppose *their* strength to that of the invading *enemy*? Do they shew him that his sword must pass through *their* breasts before it can reach that of their *country*? Presumptuous men! mark what shall be your fate. From this time forward you shall be treated as outcasts from the community; the guards, which surround the security of the subject, shall be withdrawn from yours; for the State accounts you too worthless for protection; even your natural rights of inheritance shall be forfeited.—Do you complain that, guiltless of every offence, but that of having bled for your country, you are subjected to penalties so severe? It is but the *lightest* part of your punishment—a *heavier* scourge remains; it is on your feelings as *parents* that the law shall inflict its *deadliest* wound. Tainted in the eyes of your offspring, and pointed out to them, by the legislature itself, as men unfit to be trusted with the direction of their morals, or the care of their persons, your natural affection shall be made the instrument of your severest anguish.—O, incomparable system

of

of ingenious cruelty! A numerous part of the best citizens of Great Britain cannot indulge the strong impulse of attachment to their *native land*, but at the expense of their attachment to their *offspring*. *Natural affection* is opposed to *social duty*. The passion of the *father* for his *child* is opposed to the passion of the *patriot* for his *country*. The barbarian,* of whom we read in the papers on your table, that African tyrant, who has carried the science of despotism to a perfection which Nero never knew; even he aspires at nothing more than to *destroy* the family attachment, and to *annihilate* the parental feeling. He does not attempt to *oppose* the affection of the *father* to the duty of the *citizen*; but the British law is founded in deeper cruelty. Its object is to create a *war* of attachments, and to establish a *conflict* of passions: it is to make virtue *inconsistent* with virtue, duty *irreconcileable* to duty, affection *incompatible* with affection. Can such a law be productive of advantage to the *State*?

When the kingdom, a few years since, was assailed by the adherents of another claimant to the Crown; when the faith of a large proportion

* The king of Dahomè.

of the people was dubious; when the loyalty of many of those who were near the person of the king was thought to be tainted, and terror had palsied, even more than corruption had seduced; what was the conduct of the Protestant Dissenters in England? To say that of the multitudes who composed their various society, there was not *one* man, not a *single individual*, who joined the enemies of his Majesty's house, (unexampled as this proof of their loyalty was) is, however, to speak but the *smallest* part of their praise. For, at the very time when the armies of the State had been repeatedly discomfited; at the very time when those, who reached at his Majesty's Crown, were in possession of the centre of the kingdom; at the very time when Britain, unable to rely on her native strength, and hourly trembling for her safety, had solicited *foreign* aid: at that very time the Dissenters, regardless of the dreadful penalties of the law, and, anxious for their country alone, eagerly *took arms*: and what was their reward? As soon as the danger was passed by, they were compelled to solicit the protection of that general *mercy* which was extended to the very *rebels* against whom they fought; they were obliged to shelter themselves under that *act of grace* which was granted to the very *traitors* from whose

whose arms they had defended the Crown and life of their Sovereign. It was *thus* only that they escaped those dreadful penalties of the sacramental laws which they had incurred by their zeal, and which the irritated friends of the rebellion were impatient to bring down upon their heads. Is it for the advantage of the *state* that the difference in the situations of the loyal subject and of the rebel should be so extremely small?

To the disgrace of our statutes, to the dishonour of the British name, to the reproach of humanity, these persecuting statutes are still unrepealed. Perhaps I shall be told, that however oppressive in *speculation* their injustice may be thought, instances of their *active oppression* have seldom been experienced; for however frequent trespasses upon their enactments are, informations against the trespassers have seldom been exhibited. Shall such a defence be urged in behalf of the statutes of a British Parliament? What is it but to say, that so flagrant is the injustice, so unqualified is the oppression, so hostile, to every feeling of humanity, is the language of those statutes, that the most depraved informer, the most inveterate practiser on the fortunes and lives of his fellow-subjects, will not take upon himself

himself the odium of their execution? Rather than accept the monstrous bribe by which the *legislature* invites him to ruin the fortunes of innocent and deserving citizens, rather than accept the enormous wealth by which the *legislature* tempts him to bring on the *best men* punishments due only to the *worst*, rather than cancel that great bond of nature which unites the parent to his offspring, the ruffian, who is in want of bread, resolves, at the hazard of his life, to seek it on the highway; for the deed to which the *legislature* would urge him, exceeds the measure of his depravity. Shall we then consider these statutes as *harmless*, because they are too *wicked* for execution? Is this to be our assurance that they will not be made as oppressive in their *use* as they are ferocious in their *intent*? It is too frail a reliance, it is too infirm a security: If there be persons, and I know there are *many*, who have borne commissions in the army without the sacramental qualification: If there be any who have taken a part in the management of the Bank of England, of the East India Company, or of any of the other Chartered Companies of the kingdom, or who in the present, or in the late, Administration, have accepted of offices of trust without this legal requisite of the Lord's supper,

supper, let me entreat them to recollect to what terrible penalties they are at this very hour exposed, penalties from which, if the informer be diligent, the Indemnity Act, in many cases, will be too slow to save them. Such may be their situation even though they should be willing to correct their former omission, and receive the sacrament. — But if as Dissenters, or as members of the Church of Scotland, or as men who, for other reasons, are unwilling to mix the sacred ordinances of religion with their temporal pursuits, they cannot bend their consciences to the compulsive performance of this solemn act, then let me entreat them to consider that the Indemnity Bill will in no case afford them the least protection: it will be in the power of every man, whom their virtue may have made their enemy, to grapple with their peace: it will be in the power of every man whom avarice, or animosity, or private revenge, may prompt to deeds of ill; of every man who has an interest to serve, or a passion to gratify, at once to bring down such ruin on their heads as will make them objects of compassion to the poorest and meanest of their fellow-subjects.

Hitherto I have spoken as an advocate for a numerous description of my fellow-subjects whose

moral virtues I esteem, whose patriotism I revere, and whose situation, as much injured men, has strongly attached me to their cause; but to whose *religious* persuasion I myself do not belong. Permit me now for a few moments, before I conclude, to speak of interests in which I have a more immediate and personal concern, the interests of the Church of England. From all testimonies, ancient and modern, I have ever understood, that the *worst* practice of which a *Legis-lature* can be guilty is, that of employing the *laws* of the country to degrade and make contemptible the *religion* of the country. For what man is so little acquainted with the motives of the human heart, or knows so little of the history of nations, as not to be aware, that in proportion as he weakens in the people their respect for *religion*, he corrupts their *manners*, and that in proportion as he corrupts their *manners* he renders *all laws* ineffectual. Now of all the solemn rites and sacred ordinances of our faith, there is not *one* so guarded round with terrors, and over which the avenging sword of the Almighty appears so distinctly to the view, as the ordinance of the holy sacrament; " for he who presumes to eat of *that* bread, and to drink of *that* cup un-*worthily*, eateth and drinketh his own damna-
tion;

“*tion ; he is guilty of the body and blood of Christ, and provokes the Almighty to plague him with divers diseases and with sundry kinds of death.*” That these terrible denunciations may not be lightly and unthinkingly incurred, the minister is directed, when he stands at the holy altar, to prohibit the approach of all persons of abandoned morals, and of a profligate life. Such are the injunctions of his *religion* ; but the *law* tells him that to *those very persons*, abandoned and profligate as they are, if by any means they have found their way to office, he *must administer the sacrament* — Is he aware that the revenue officer who demands the consecrated bread, and urges with impatience his claim to the holy wine, is a man of a tainted reputation, and of a flagitious life ; a smuggler, perhaps, (for such appointments have never been unfrequent) who has obtained his employment as a reward for his having accused his associates, and for having added *private treachery* to a long course of *public fraud*? Is there reason to believe that the *oath* of office which he has lately taken is *already violated*, and that *new* as he is to his employment, the weight of accumulated perjuries is *already* on his head. Still the minister is compelled to comply with his demand, for *perjured*

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as he is, the Test Act has given him a *legal right* to the Sacrament of the holy eucharist.

It has been said that “if the minister’s conviction of this profligacy of conduct is supported by all the circumstances which constitute legal proof, he may lawfully refuse the sacrament:”—the truth of this opinion is doubtful*; but there *can* be no doubt, that if he should *fail* in that proof, his ruin is *inevitable*—and if he should *succeed*, it is little less than certain; for the expenses of the suit will devour his scanty means, and probably consign him to a prison for his life. Deprived by these strong coercions, as daily experience shews he is, of all choice as to his conduct, the clergyman knows, however, on what dreadful conditions the unworthy communicant receives the holy eucharist; he knows that a person so circumstanced eats and drinks his own damnation—Such is the task which the Test Act has imposed on the very men whose *particular duty* it is to guard their fellow-creatures from perdition, to instruct them in the way of salva-

* If the opinion be true the consequences stated by Mr. Fox, however inconsistent with justice, and the settled maxims of the constitution must inevitably follow.

tion, and to lead them to everlasting happiness.—If in the records of human extravagance or of human guilt, there can be found a law more completely destructive of all respect for the Church, and of all reverence for Religion, I will give up the cause.

And to what purpose is this debasement of Religion? to what end is this degradation of the Church? If it be thought requisite to break through the eternal laws of justice, by depriving the Dissenters of their rights as citizens, why must the awful institution of the *sacrament* be made the instrument of the wrong? why must the purity of the temple be polluted? why must the sanctity of the *altar* be defiled? why must the *solemn ordinances of our faith* be exposed to such *gross*, such *unnecessary*, prostitution?

Those who are too little attached to the theory of the Christian faith to be shocked at the *impiety*, must still be astonished at the *folly*, of such a conduct; for who does not see that, in proportion as we degrade the sanctities of religion, we diminish our own power, and unnerve the arm of government?

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If those to whom I have the honour to address myself have *faith*, as I trust and confidently believe they have, in the *religion* of their country, (and if they have not, God knows that the worst calamity which can befall Great Britain would be the revealing this secret to the people) is it possible that they can permit an ordinance which is so entirely abstracted from all temporal pursuits to be condemned to the drudgery of the meanest of human interests; to be subjected to the polluted steps of the lowest avarice, and of the most despicable ambition; to be dragged into the service of every insignificant stipend and of every contemptible office; and, as if with a view to its utter debasement in the minds of the people, to be made a qualification even for inspecting the loathsome receptacles of whatever that is hateful to be named, is cast forth from the city.

The *Saviour of the world* appointed the eucharist in commemoration of *his death*—an event so tremendous, that nature, affrighted, hid herself in darkness; but the *British legislature* has made it a qualification for gauging beer-barrels and soap-boilers' tubs, and for writing custom-house cockets and *debentures*, and for seizing smuggled tea. The mind is oppressed with ideas so mishapen and preposterous

preposterous. Sacrilege, hateful as it always is, never before assumed an appearance so hideous and deformed.

Attempts have been, sometimes, made to justify the legal establishment of this impious profanation, by comparing it with those provisions of our law which enjoin the sanction of an oath: but the argument equally insults the integrity, and the understanding of every man, to whom it is addressed; for, though it be indeed true that the Legislature, by compelling every petty officer of the revenue, and every collector of a turnpike toll, to swear deeply on his admission into office, has made the crime of perjury more *common*, at this time, in *England*, than it ever appears to have been in any *other* age or country: yet how does the frequent commission of this crime *against* law, justify the establishment of a religious profanation *by* law? But, without any comment on the folly of pleading for a legislative debasement of religion in *one* way, by shewing that the legislature has contributed to its debasement in *another*, let me ask, what resemblance the sacrament of the Lord's supper, which is merely a *religious* institution, bears to the ceremony of an oath, which is an institution so entirely *political*, that it

answers none of the purposes of religion, promotes none of her interests, forms no part of her establishment, and belongs as much to the Jew, the Mahometan, and the idolater, as it does to the Christian? — Such are the arguments by which the Test and Corporation Acts have been defended.

To the judgment of the House I shall now leave these impious and persecuting statutes, perfectly persuaded, that your determination will be such as the principles of *justice*, the dictates of *religion*, and their inseparable consequences, the interest and honour of the *Church*, and the permanent advantage of the *State*, conspire to recommend.

Sir *Harry Hoghton* rose to second the motion; which he did in a short speech, wherein he assured the House, that the Dissenters had not renewed their application last year, because they were unwilling to offend the House, by a mode of conduct that might look as if they wished to carry their point by the importunity of an annual motion, rather than by that conviction of its justice and reasonableness, which he hoped would be produced by a calm and deliberate consideration

federation of the subject. He then proceeded to point out the liberality that characterised other countries, in respect to religious opinions; to refer to the conduct of France and Sweden. In the former, a Roman Catholic country, Protestants were admitted into the fleets and armies; and in Sweden, a Protestant country, Catholics found equal readiness of admission into the public service.—Sir Harry observed that no such shackles were placed upon the minds of men either in Ireland or Scotland, but that the moment an Irish officer landed in England he must resign his commission, or become liable to all the penalties of the statutes. He mentioned a bill brought in by his friend, the late Sir George Saville, whose name and memory he should ever venerate, and hold in the most respectful esteem, and stated the argument of Sir George upon the occasion; but he spoke in so low a tone of voice, that he was not distinctly heard in the gallery. We are therefore sorry that it is not in our power to state more fully his sentiments on the subject.

As soon as the question had been read from the Chair,

Lord *North* rose, and said, the Question had so long employed the conversation of the people of this country both within doors and without; had been the subject of so many parliamentary debates; and on which he had troubled the House so often, that it certainly required some apology from him for troubling the House once more: but could he hear the same arguments again, and sit silent, without being supposed to acquiesce in those opinions? He felt it necessary, therefore, to beg the pardon, and the patience of the House while he went through the arguments, that day offered, as briefly as possible. As he had, in the course of his life, (rather a long life) looked on those laws, so reprobated, as a material support, as the main props, and the sturdy bulwark, of the fabrick of the Church; and as he had uniformly considered every attempt to sap the foundation of that bulwark, as an attempt destructive to the Constitution of the Church, which, he must have leave to say, was intimately connected with the constitution of the country; he could not think that he ought patiently to hear those laws taxed with persecution, with violence, and injustice. When he professed an attachment to the principles on which those laws rested,

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he did not mean to throw any reflection on the opinions of those who conscientiously differed from his sentiments. Let him not, therefore, be thought to treat the Dissenters as men, who deserved dislike or punishment. He knew their virtue, their morality, their learning. He blamed not Parliament. It was true, the Question had been in agitation two years ago. If Gentlemen had been again called upon to renew their application, there could be no blame on their now renewing it. But if it were renewed again and again, he should always hope to object to it again and again. Having said this, he declared he should go, as much as his memory would lead him, to the subject of the Hon. Gentleman's arguments. He had said, had they deserved this punishment—had they committed crimes? No, they had not. But, if they possessed merits ten times more than they did possess, could they demand a repeal of a political law, tending to preserve the Government of Church and State? He agreed with the Honourable Gentleman, that it was a civil, and not a religious, question. The Acts in question were Acts of self-defence for the Church, and not meant as a punishment to any description of

persons whatever. The principles on which both stood were these—first, that it was essential to the happiness of the country, that the Legislature should support the Constitution of the Church of England, and next, that it was necessary, for the support of the Constitution of the Church of England, that no person should possess power under the Church that should refuse to give a test of his not being ill affected to it. As the establishment of the Church of England was necessary to the happiness of the people, and the safety of the Constitution, the laws in support of it could not be deemed laws of persecution, but an act of self-defence, necessary to the support of the Constitution of the Church of England. The next thing, the Hon. Gentleman said, was that the Corporation and Test Acts were intended not for excluding the Dissenters, but against the Roman Catholics. Whoever would read the Corporation Act would see that the act was otherwise. It was made soon after those unhappy times, when the various Protestant sectaries had overturned the Constitution of the Church of England; and the same spirit continuing, the Corporation Act was forced from the Legislature to check the dangerous spirit of the sectaries, to exclude

exclude them from Corporations, and to prevent them from ever resuming their former powers again. His Lordship recollects a requisition, at the time, that every Protestant Dissenter should disavow the solemn league and covenant. Could it be supposed that the Roman Catholicks would be made to disavow the solemn league and covenant? The Test Act was made to guard again Popery. But both the Test and Corporation Acts, though one was made against Papists, and the other against Protestants, could they be imagined to be ignorant of the extent of either? Parliament meant that they should go to the exclusion of *all* Sectaries. When the Hon. Gentleman came down to the Revolution, every body knew the opinion of King William. There was a letter from the Prince of Orange to Mr. Stuart, in which, the Prince said, he agreed to almost every thing proposed in favour of the Dissenters, but that he objected to the repeal of the Test and Corporation Acts, because he thought, that people in power should be of the same opinion with the established religion of the country. What was the opinion of King William? Take the language of the King upon the Throne,

with the House of Lords and House of Commons in full Parliament assembled; a Parliament containing, among its Members, some of the best supporters of the Constitution, and the wisest men, that ever sat in Parliament. When they confirmed what the King, when Prince of Orange, had agreed to, what was the toleration? Protestant Dissenters were exempted from Recusancy, and all Acts against Recusants were repealed; they retained the Test and Corporation Acts; thus only excluding the Protestant Dissenters from that which they could not enjoy, without participating in the power of the Church. What was persecution, was exploded, and what was deemed necessary, was maintained. Thus the line was drawn between persecution and necessary defence. The Hon. Gentleman, his Lordship believed, had assumed, that an exclusion from offices was a deprivation of natural rights, and a degradation of honour. He said it was not. It was in the power of every Government to prescribe the persons to fill offices of power, and to make what restrictions it thought proper. When it took away any man's *natural* rights, it exceeded it's proper powers. It was surely not depriving them of those rights if they

they are excluded from places of power and trust by the Legislature, with a control over the whole. It was confounding the constitution of the country to contend otherwise; and whoever supposed that they exceeded their right, must suppose, that there was some part of the executive power not under the control of the Legislature. When the Legislature invested the King with the supreme power, it limited such power to be exercised on such and such conditions, and applied what checks and controls they thought proper. In arbitrary governments the case was otherwise. Where all the power was lodged in the hands of one man, he might employ A. or B. or C. or whom he pleased. It was one of the trivial advantages belonging to an absolute Government; but it was trivial indeed, compared to the essential and important benefits afforded British subjects, under our form of Government. In this free Constitution, where the Legislature is the governing power, the case was otherwise; but they ought not to look to the experience of other countries, and other times, when they had the experience of their own country and their own times. Let him, his Lordship said, be shewn any thing in the laws,

laws, which prevented any men from performing their religious duties in their own way, or that interfered with them in private life. If the Dissenters were not satisfied with the complete Toleration they already enjoyed, but would claim another step, and ask for the participation of power, then it would become the Legislature to pause, and examine whether it was fit to alter the system that had proved of so much advantage to the Constitution, both of Church and State. The Hon. Gentleman supposed, that the present Act of Parliament subjected Ministers to clamour, and a prosecution for refusing to administer the Sacrament to a person, known by them to be a notorious ill-liver, because such person had been appointed to a place under Government. He gave the supposition a direct denial. The Rubrick, or Canons of the Church, forbade Ministers to give the Sacrament to persons of that description, and they were to do their duty. They acted under the law, and the law would protect them. No person could have a place unless he gives a Test, that he is a person well affected to the Church. The Hon. Gentleman had said, it was merely a qualification. He denied that: it was a Test, such

such as he had described. The Hon. Gentleman had objected to the Test, considering it improper for a Test of a religious nature, to be used for civil offices. To that, he answered, he was not fond of that Test, if a better could be found; but they ought to look for a better, before they gave up that. Some Test was absolutely necessary. The Hon. Gentleman had done then, as he had done before, compared that Test with the other, the Oath. Was he desirous to say, what Test? He would answer, a religious one, an Oath? But the Honourable Gentleman had said, the Jews, and Turks, and Pagans, took oaths; They might do so. He did not know a more solemn act, than an appeal to the Almighty, the Governor of the world, who searches all hearts. The Hon. Gentleman said, Oaths had been abused, and too much multiplied. The example of all countries proved Oaths necessary for the good order of the State. An oath was a religious appeal to the Almighty, necessary for promoting civil purposes. The intention, therefore, of a sacramental Test, was introducing a *religious* Test for a *civil* purpose. The Hon. Gentleman said it was not carried into execution. He apprehended it was; but

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there were instances in which persons had introduced themselves into Corporations without taking the Test, because they relied on the annual Indemnity Act, which saved them. This sort of mental fraud did not recommend such persons to the indulgence of the Legislature. It was an evasion, and an abuse of an Act of Parliament, which solemnly and substantially required, that the Test should be given fairly and truly. The Hon. Gentleman, his Lordship said, addressed himself, when speaking on the penalties, more to the feelings of the heart, than to the reason on the understanding. The Hon. Gentleman said, the penalties could be considered no otherwise than as a persecution: his Lordship would agree with the Hon. Gentleman, and reprobate them, as abominably persecuting, if they were penalties for any persons acting as a guardian, or an executor, or the like, but they were for no such purposes: they went only to exclude from offices under Government, and if any man would take upon himself an office, without properly qualifying, the penalty falling upon him, could not be considered as a persecution, but as a just punishment for him, who would presume voluntarily to act in defiance of

of the known laws of the land. The law enacting the penalties had not, however, been put into execution—no man ever had been examined and convicted thereon; but if it had been enforced, it could not have been justly called persecution, unless it was persecution for the Legislature to maintain its laws. If the present Motion should be agreed to, it would be going into a new system. He venerated the present system, as it had stood for a century. If the Question ever be carried, the ancient maxim, that the *Constitution of England* was to be supported by the *Constitution of the Church*, would be questioned, and supposed to be abandoned by that house. He revered those laws, and admired them, as the best support of the constitution. The Test Act was a wise caution to guard against Popery; great advantages had resulted from it; it had already saved the country from Popery; it had proved a stumbling block to king James, when almost every member had been closetted, and it ought to be revered by every Englishman, as having preserved them from Popery and arbitrary power. Both acts were intended to support the Church; any attempt to sap the foundation of which, might prove dangerous

dangerous, not only to the Church, but to our freedom, and our country. His Lordship said, he could not look back into history, without seeing something congenial in the constitution of the Church, and the free government of the country. In the times of King James, and previous to his reign, all attacks were first made on the Church, and almost immediately afterwards on the constitution of the country ; when the Church has been attacked, they had been attacked ; when they have been suppressed, the Church had been suppressed ; when the Church flourished, they flourished ; and it was evident, by history, that the cause of the *Church*, was the cause of the *State*. The Church of the present day had emerged from her errors, and was purged and purified : her conduct was now marked with most tolerant opinions to those who differed with her, and she breathed the pure spirit of civil liberty, for the preservation of which, she was as anxious, as any other part of our constitution ; the Church, dear as she had been to them, by their common sufferings, and common dangers, ought to be still dear to them, when purged of her errors, and when, to her loyalty, she has added a zeal for public freedom, and was attached,

tached, not only to her Sovereign, but to the people. The Dissenters having obtained complete toleration, asked for a participation in offices. He again intreated the House to pause. The Dissenters' Prayer was not against any ecclesiastical persecutions or severities, but had been brought forward in consequence of the moderation of the Church ; let her not then, said his Lordship, after having survived the attempts of Popery, suffer for her virtues and moderation. Let Gentlemen remember, that the security of the Church has been built upon those Acts : let them remember, that the Dissenters have a free toleration : let them pause then, and pass not, at one step, from Toleration to Participation. The Hon. Gentleman had said, there were Baptists, and there were Anabaptists, who wished well to the interests of the Church. No matter who they were, if they changed the system, in complaisance to any sects, they changed the constitution of the Church for ever. He was a little at a loss to make out the latter part of the Hon. Gentleman's argument, towards the end of his speech. He had said, it was not only all the Dissenters that would be affected by repealing the system, it would attach only upon the Presbyterians, the

Independents,

Independents, and the Baptists; the Quakers and Papists would derive no benefit. Was that an argument in favour of the liberality of the Hon. Gentleman's plan? would he believe some Dissenters, and not all? The Hon. Gentleman had said, when he asked one thing, was it reasonable to conclude that he would necessarily ask another? Most certainly, his Lordship said, that was a fair way of arguing, but at the same time, it must be allowed, that there were principles which ought to be sacred, and that the true argument here was, would they attempt to alter the system, when, if they broke it, they knew not how far they might unsettle it? That was the best place to make their stand in. If they removed one stone of the bulwark, and made the first breach, no one could say how soon the whole would tumble to pieces, and the privileges and constitution of the Church be lost for ever. He said, he had to beg the pardon of the House for having troubled them so long; he had given them his sentiments, which he might not have an opportunity of delivering, and which he spoke from his heart, without the least particle of a persecuting spirit. He hoped he had given offence to no one: he honoured and respected

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the Dissenters; and was influenced only in his opposition, from a conviction, that if the House weakened the Church, they weakened themselves, and that if they abandoned the wise precautions of their ancestors, they endangered the constitution of their country.

Sir *James Johnstone* said, he should vote for the question, although he had before opposed it: that he had, at that time, thought that all the old women and children would cry out, "The Church was in danger;" but he found there had been no such cry, and he was fully persuaded that there had not been any grounds for such a cry at all. Sir James said, he could not conceive the highest power and authority that freemen could bestow on freemen would be withheld from Dissenters, or that it should be more abused by them, than by persons of the Established Church. The Noble Lord had said, that the constitution of this country depended on the preservation of their civil and religious liberties, and that if they began to change the principles on which they were established, they would be in danger. If that were to be admitted as a reason for not repealing the Test Act, Sir James said, it would apply

ply universally, and operate against the repeal of every statute, however absurd, and fit to be expunged from the Statute Book. Let the House remember that no longer ago than the year 1727, an idea was entertained by the Legislature, that old women had more power than young ones, and the statutes against witches remained in force. For his part he wished for universal toleration, and that in every town throughout the kingdom there should be different sectaries. There were, he understood, two ministers of the Church of England in that House, why should there not be two Dissenting ministers likewise, two of every other description. *[We heard Sir James very imperfectly.]*

Mr. *William Smith*, (Member for Sudbury) arose, and began by saying, that, before he entered on the general question, he could not but observe on the declaration of the Noble Lord, that if a notorious ill-liver were to offer himself to receive the sacrament, as a qualification, a minister would be warranted by law in refusing to administer it to him—and therefore was relieved from the difficulty under which the Hon. Gentleman, who made the motion, had stated

stated him to labour. This part of the subject had been so amply discussed on a former occasion, that he would not again dilate on it, but only mention that his own opinion, which was totally contrary to that of the Noble Lord, had been sanctioned by the concurring judgment of some very able lawyers; and that he did not believe a single Gentleman of the learned profession would be found in the House, who would maintain the Law to be as the Noble Lord had stated it; if there were, he should be very glad to hear him avow and defend the doctrine.

The Noble Lord, he said, had denied that these Acts were of a persecuting nature, and had argued for their continuance, on the ground of a necessary connexion between the ecclesiastical and civil constitution; attempting to deduce from thence the propriety of excluding from civil offices all who were not well affected to the Church; and assuming, that such as refused to comply with the Test prescribed, must of course be averse to its discipline and doctrines. Allowing all this for the sake of argument, the laws in question would even *then* be improper, because insufficient to the end proposed, viz.

the exclusion of all those who did not unfeignedly approve the Establishment in all its parts;—for, neither did the nature of the Test imply such approbation, nor did the law require any such avowal: and it was evident, that persons might have no unwillingness to receive the Sacrament according to the forms of the Church, and yet not only disapprove of its discipline and doctrines in many points, but even be most zealously bent on procuring alterations in both:—nay more, the public declaration of such opinions or intentions would neither authorise a clergyman to refuse them the Sacrament, nor in any other way disqualify them for the possession of the highest offices or dignities of the state.

As, however, he objected to the *principle* of the Test Laws, Mr. S. said, that he should certainly have been little disposed to find fault with their *inefficacy*, had that defect been of *general* operation—it was of its *partiality* that he complained; that while the Test was insufficient to the exclusion of *many* against whom it was supposed to be levelled, it did act against *others*, whose strict regard to the dictates of conscience certainly afforded every security

security for the punctual discharge of their duty in any character or situation of life.

The Dissenters, he said, as well as many other respectable persons, had two distinct objections to these Acts :—the one of a civil, and a general nature, the other a particular dislike, in a religious view, to the specific Test imposed. On the first head, they held it to be highly improper in itself, and injurious to society, that religious opinions should be made the Test of fitness for the discharge of civil offices, or of admission into them.—They held, that every subject of the state, willing to give the requisite proof of his fidelity to the *civil* Constitution and Government, and unconvicted of any crime, was entitled to the participation of every civil right, among which was to be reckoned, the *Capacity* of holding offices, though not the *actual possession* of them ; and therefore that to incapacitate a whole body of such subjects was to inflict on them an injury, of which they had a right to complain, and to seek redress, as a matter, not of *Favour*, but of *Justice*.—To the *sacramental* Test they objected, because such an application of an act of religious worship, and especially of one of

the distinguishing rites of Christianity, instituted with peculiar solemnity, by its great Author, appeared to them a prostitution and abuse of the ordinance—a profanation of an holy thing; and on this ground the Dissenters would equally object to receiving it *as a Test* in their own places of worship, though numbers of them would not scruple to partake of it with their brethren of the establishment, and according to their form, when considered only in its true light, as a religious duty, and an expression of Christian charity. The Noble Lord, therefore, had shewn himself unacquainted with the principles of the Dissenters, and was totally mistaken in supposing, that nothing but a rooted aversion to the Church could render it impossible conscientiously to comply with these laws.—The difference between the Sacrament, used as a Test for office, and an oath, as a Test of truth, was too obvious, he thought, to escape the most careless observer: An oath was neither *primarily*, nor at all, an act of *worship*; nor, though it necessarily supposed a belief in a supreme moral Governor, was it even *used* as a Test of particular religious opinions: the sole object to which it was directed, was the attainment of truth, (with respect either

either to the past, or the future) where other means were insufficient — an appeal to a Being who, by the supposition, must be acquainted with all the circumstances, and must also be both able and inclined to punish falsehood in such cases, as an insult added to a crime, was perfectly well calculated to attain the proposed end, and inapplicable to any other purpose. How far its natural efficacy had been defeated by a too frequent and indiscriminate use, was a totally different question, into which he would not enter.

On the nature of these laws Mr. S. said he also entirely differed from the Noble Lord — “A restraint greater than was necessary ‘to repel an evil,’ had been properly said to be punishment: punishment, without the previous proof of guilt, could not be denied to be an injury; and injuries inflicted on account of Religion were undoubtedly persecution. But not to rest on such arguments, Mr. S. said he thought a clear and decisive proof of the persecuting spirit of these Acts might be drawn from the principle on which they were defended, and the extent to which that principle would lead. It was shortly this: that the

maintenance and support of the Ecclesiastical Establishment now existing, was necessary to the well-being of the state; and therefore, in order that the Church might be safe, that all offices of power, trust, or emolument, should be withheld from those who might use, to its disadvantage, the influence thereby acquired. If then this point were allowed, that the governing Church had a right to secure itself, or the Legislature to secure it, by imposing every such *civil restraint* as might be thought necessary to that end, on all who differed in *matters of religion*, it would be incumbent on the Noble Lord to shew on what principle a line was to be drawn where such restraints should stop, or the most horrid excesses of persecution might be completely justified. One Church or Government might deem exclusion from office a restraint sufficient for its security: another might imagine, perhaps truly, that Legislative Authority was far more formidable, and might therefore think it necessary to deny to Dissenters, not merely the capacity of being chosen, but the right of election too, in *all* cases. Others yet more timid might extend their apprehensions to the species of influence arising from the possession of

of landed, or even of personal, property, till at last, by the operation of the identical principle on different degrees of timidity, or bigotry, the unhappy objects of these restraints might be deprived of every comfort of life, or even of life itself. As to that intimate and beneficial connexion between Church and State, on which was grounded the supposed propriety and necessity of these Laws, Mr. S. said, he would first quote an authority against the doctrine, which would probably have more weight with the Noble Lord than his own opinions could pretend to. The learned and respectable Mr. Archdeacon Paley had laid it down "that "the single end of Church Establishments "ought to be, the preservation and communica- "cation of religious knowledge; that every "other idea, and every other end, that have "been mixed with this, as the making the "Church an engine, or even an *ally*, of the "State, converting it into the means of "strengthening or diffusing influence, or re- "garding it as a support of regal, in opposition "to popular, forms of Government, have "served only to debase the institution, and to "introduce into it many corruptions and "abuses." — He thought also that the Noble Lord's

Lord's argument from history was unequal to the support of his assertion; for, not only had the civil government maintained itself in former times when *unconnected* with the Church, but it would not be difficult to shew, that those disturbances which terminated in the ruin of both Church and State, (on which his Lordship had so much insisted) had originated in the intolerant spirit and arbitrary proceedings of some ecclesiastics, who had themselves exercised powers, and had instigated their unhappy Sovereign to actions and claims, at least as contrary to, and subversive of, the true spirit of the constitution, as any of those violence of the times immediately succeeding, which have been so justly reprobated.

Mr. S. said, that he should also contend, in opposition to the Noble Lord, that the Test Acts were not necessary to the security of either the frame, or the faith of the establishment. So far as either of them was liable to be overthrown by force, it must always be remembered, that the repeal of these laws, though it would restore the *capacity*, would not actually give the *possession* of office to one single Dissenter — *That* would depend then,

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as it does now, on the will of the executive Power — but were an actual indiscriminate *admission* supposed, the apprehension of danger could, even then, scarcely fail to appear absurd to any man who should seriously consider the vast excess of Churchmen over Dissenters, in the mass of the people; their still greater superiority in the higher ranks, among whom were usually found the candidates for office; and farther, that predilection for the Church which might fairly be imagined to prevail in this majority from the influence of early habits, and subsequent education, probably, at the seminaries of the establishment—So long as this attachment should continue, the Church could have nothing to fear from the attacks of Dissenters, though all their civil rights were restored. Should this at any time cease, (from whatever cause) she could not derive one hour's security from such laws as those under discussion — It had also been frequently observed, that the legislative assembly of the nation, from which Dissenters were not excluded, was the only place where the most trivial alteration could even be attempted.—As for the doctrines of the Church, it would scarcely be maintained that

that the welfare of the state depended on *their* remaining for ever precisely in their present state — but were it so; as the Test Laws left them open to every attack, so the repeal of those laws would neither afford a new argument, or give any additional strength to those who accuse them of being erroneous — He could not entertain so low an opinion of the present Right Rev. Bench, which, with reason, boasted so many eminent and respectable names, as to suppose, that either from want of confidence in their own powers, or in the force of truth, they would desire the assistance of the secular arm, in the defence of what they held to be genuine Christianity; or which would be much worse, that they would wish that arm to be exerted in support of error: nor could he imagine them disposed to maintain, that the freedom used by some Dissenters in argument, was a sufficient, or indeed any reason, for imposing restraints and disabilities on the whole body.

Another argument of the Noble Lord for preserving these laws, had been drawn from their having existed for so many years, and

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as he said, with so much advantage—It had been already attempted to disprove the *advantage*; and that they had been ever *complained of*, as useless and unjust, was undeniable—the argument from mere existence was absurd—it would go to perpetuate every enormity, which could but plead the sanction of age.—But there was an instance, perfectly in point to the present case. In the year 1779, after two unsuccessful attempts, relief was obtained, for Protestant Dissenting Ministers and Teachers, from the pressure of a then existing law—in behalf of which, this same argument was repeatedly pleaded—and yet he never heard of any person's having proposed to re-enact the old law, or of any single inconvenience which had been occasioned by its repeal—in fact, nothing could be more evident than that the question, in all cases of this kind, was, whether good reasons for the existence of the law could be assigned, and if not, its having been already in force too long, was but an additional argument for its immediate extinction. With respect to the practice of some other countries, in which, though Catholic, Protestants had been employed, without reserve, in the most important posts; the noble Lord had acknowledged

It to be an advantage, attending an arbitrary monarchy, that the King was at liberty to select from among all his subjects, the man who appeared to him fittest for the service required; but he called it a trivial advantage. It was needless to discuss the amount; if it were *any* advantage at all, (which the noble Lord allowed it was) either to the country, or the individual, why should not a free nation possess it? It was certainly unwise to reject, even a small good, unless it could be shewn to be in fact out-weighed by some attendant evil: and history was so far from giving colour to this idea, that, in the countries alluded to, the employment of Dissenters from the established Church was well known to have been attended with signal advantage to their civil affairs; while their ecclesiastical concerns, for which the advocates of Tests would have been alarmed, had remained perfectly undisturbed. Mr. S. thought the Noble Lord had been uncandid in accusing the Dissenters of having made an improper use of the Indemnity Acts. His opinion was, that the constant and invariable practice of passing such a bill annually, was a tacit acknowledgment that the Test Acts were improper, or unnecessary—that the penalties

penalties, if incurred, ought not to be enforced; and, therefore, no man could be blamed for resorting to an indemnity, held out as a protection against punishments, inflicted by laws, which the Legislature itself continually treated with a kind of disrespect, and which were already almost repealed in practice, though they were still preserved in the statute book, by a species of superstitious regard. Mr. S. said, there were some other points of the noble Lord's speech on which he had intended to have remarked, but that he had taken notice of what appeared to him most material. Many things might have escaped him, which he hoped would be observed on by some other Gentleman more capable, than himself, of doing justice to the subject. He felt himself compelled to say, in concluding, that the Noble Lord had appeared to him rather deficient in liberality of sentiment, and to have dealt more in sophistry, than in solid argument: that he had seemed rather to labour to impose on the House, by uttering pompous nothings, with considerable solemnity, and to alarm their apprehensions by a cry, somewhat similar to that in the time of Sacheverel, " that the Church " was in danger," than by fair, strong, and

conclusive reasoning, to address himself to their understanding, and to convince their judgment.

Lord *North*, in reply, said, he had before occupied so much of the time of the House, that he would confine himself strictly to explanation. Some of the things the Hon. Gentleman had stated, must have arisen, either from his not having expressed himself properly, or from the Hon. Gentleman's having misunderstood him. What he said about the operation of the Test Act, was, that it only excluded those Dissenters from power, who had so perfect an aversion to the doctrine of the Church of England, that they refused to communicate with that Church. Another objection to what he had said, was, about the Law; he would restate his argument—it was this: If any notorious evil-doer offer himself to receive the Sacrament, he might be rejected; and his having, or not having a place, did not at all make the case different. The Minister might reject him, nor did such rejection render the Minister liable to any punishment. If the Minister had good reason to believe the person applying for the Sacrament was an evil-doer, he might refuse

refuse it. *That* he apprehended to be the Law, and he should continue to apprehend so, till he heard from good authority, that it was not so. What hurt him most, his Lordship said, was the Hon. Gentleman's having charged him with illiberality in saying that some of the Dissenters had abused an Act of Parliament. The fact he understood to stand thus: The Indemnity Acts came frequently, and the persons, who had taken Offices and not qualified, instead of availing themselves of the opportunity afforded by the Act of Indemnity, did not conform, but waited till another Act came forward; and so on, from time to time, without taking the Test at all. This, his Lordship declared, he must say was an abuse of the indulgence of the Legislature. He hoped, however, the Hon. Gentleman would not from this conclude, that he had any personal ill-will against the Dissenters in general. He knew them to be a very respectable and meritorious body of men, and that several of them had distinguished themselves eminently by their writings. A Dissenter might make as good a Magistrate as another, but he spoke against his acting contrary to law, and taking advantage of its indulgence. He hoped his

arguments had not made the same impression on the House, as they appeared to have done on the Hon. Gentleman. As to their having been pompous nothings, experience and reason were the grounds of his argument; and he flattered himself there was more of sense and solidity, than pomp and nothingness, in what he had said. With regard to the connection between the Church and State, he must maintain that assertion; and if the House would recur to History, they would find, that when the Church tottered, the State had tottered likewise; and that the ruin of the former, had regularly preceded the ruin of the Constitution. Would that be termed pompous? At the same time, he had said the principles of the Church might be carried too far, and had instanced, when her conduct had been marked with intolerance, and violence of spirit. His Lordship said, he could only impute the Hon. Gentleman's disrespect of his argument, and his terming it sophistry, and a series of pompous nothings, because it happened to have been uttered by one of the weakest Members in the House; the same arguments, delivered by any other Gentleman, he trusted, would be thought to have some weight; at the same time,

time, he did not blame the Hon. Gentleman for having differed with him in opinion. The Hon. Gentleman had a right to see the matter in one point of view, as much as he had to consider it in that, in which he had for years been accustomed to think upon it. He complained not of the matter of the Hon. Gentleman's objection, though he had not perhaps treated him with the same candor, that he had himself endeavoured to treat the subject with.

Mr. Smith rose again, and said, the Noble Lord had not answered what he had said, but had merely repeated his former assertions. The Dissenters, as he had before stated, did not object to the Sacramental Test on a principle of hostility to a Rite of the Established Church; they objected to it simply as a religious Test, applied to a civil matter, and their objection would be the same, were they to take the Test in their own Meetings, as at the Table of the Communion of the Church. The noble Lord had also entirely mistaken him when he had asked, somewhat triumphantly, whether *History* and *Experience* were “ pompous nothings;”— that was not the question, but whether the expe-

rience appealed to, would bear out the assertions, and whether the historical facts and deductions supported his argument, which, in his opinion, was by no means the case.

As to that part of his speech which appeared to have made a far more serious impression on the Noble Lord's mind, than he could either have intended or expected, he was very sorry for it, and was perfectly ready to make any apology, which might be satisfactory, for the obnoxious expression; as, whatever he might have thought of the Noble Lord's argument, it was the farthest from his intention to treat him with any personal disrespect.

Mr. Fox began, by observing that the subject had undergone so much discussion, both in parliament, and out of it, that but little could be added to the arguments on either side. He should not therefore find it necessary to detain the House long. He differed widely from the Honourable Gentleman who spoke last, with respect to the Noble Lord's speech [Lord North]; so far from its being a series of pompous nothings, or of arguments that

that deserved to be treated with any thing like levity or contempt, he thought the Noble Lord had spoken ably, and, for the most part, reasoned closely and well, in support of a cause, which yet, when brought to the test of argument, even the Noble Lord's abilities could neither defend nor support. He was, however, so much accustomed to find the House adopt a contrary opinion to that which he endeavoured to maintain, that he was apprehensive the Noble Lord's arguments would have more weight, with the majority of the House, than his. Whatever might be gentlemens' sentiments with respect to Religion, with respect to an Established Church, to Toleration, or the length to which it ought to extend, there could, in his opinion, be no objection to a motion which went only to a Committee of Inquiry. If the Corporation and Test Acts should appear to be wrong in their principle, they ought certainly to be repealed; if they were right in their principle, it might perhaps be found, that they were inadequate to the purpose for which they were enacted. In either case, examination and inquiry might do much good, and could not possibly do harm.

The first question which naturally presented itself was, whether the Church and the Constitution were necessarily connected, and dependent on each other, and in what degree? and on this point the House, he trusted, would be careful how they assented to the proposition of the Noble Lord. Mr. Fox said he hesitated not to state, in the broadest manner, his opinion on the subject. He thought religion ought ever to be distinct from civil government, and that it was no otherwise connected with it, than as it tended to promote morality among the people, and, by so doing, was conducive to good order in the state. No human government had a right to inquire into mens' private opinions, to presume that it knew them, or to act on that presumption. Men were the best judges of the consequences of their own opinions, and how far they were likely to influence their actions; and it was most unnatural and tyrannical to say, "because you *think* so, you must *act* so." I will collect the evidence of your future conduct, from what I know to be your opinions." The very reverse of this, Mr. Fox said, was the rule of conduct that ought to be pursued. Men ought to be judged by their actions, and not

not by their thoughts. The one could be fixed and ascertained, the other could only be matter of guess, and matter of speculation. So far, Mr. Fox said, was he of this opinion, that if any man should publish his political sentiments, and say in writing, that he disliked the constitution of this country, and give it as his judgment, that principles in direct contradiction to the Constitution and Government were the principles that ought to be asserted and maintained, the author ought not, in his judgment, on that account to be disabled from filling any office, civil or military; but if he carried his detestable opinions into practice, the law would then find a remedy, and punish him for his conduct grounded on his opinions, as an example to deter others from acting in the same dangerous and absurd manner. No proposition could, he contended, be more consonant to common sense, to reason, and to justice, than that men were to be tried by their actions, and not by their opinions; their actions ought to be waited for, and not guessed at, as the probable consequence of the sentiments they were known to entertain and to profess. If the reverse of this doctrine were ever adopted as a maxim of government, if

the actions of men were to be prejudged from their opinions, it would sow the seeds of jealousy and distrust, it would give scope to private malice, it would sharpen mens' minds against one another, incite each man to divine the private opinions of his neighbour, to deduce mischievous consequences from them, and thence to prove that he ought to incur disabilities, and be fettered with restrictions: This, if true with respect to *political*, was more peculiarly so with regard to *religious* opinions; and from the mischievous principle he had described, had flowed every species of party zeal, every system of political intolerance, every extravagance of religious hate. In this position, that the actions of men, and not their opinions, were the proper objects of legislation, he was supported by the general tenour of the laws of the land. History, however, afforded one glaring exception, in the case of the Roman Catholics. The Roman Catholics, or, more properly speaking, the Papists, as the Noble Lord had very justly called them, (a distinction which, he trusted, was perfectly understood by all who heard him, and would ever be maintained by the English Roman Catholics in time to come,) had

had been supposed, by our ancestors, to entertain opinions that might lead to mischief to the State. But was it their religious opinions that were feared? No such thing. Their acknowledging a foreign authority paramount to that of the Legislature, their acknowledging a title to the Crown superior to that conferred by the voice of the people, their political opinions, which they were supposed to attach to their religious creed, were dreaded, and justly dreaded, as inimical to the Constitution. Laws therefore were enacted to guard against the pernicious tendency of their political, not of their religious, opinions; and the principle thus adopted, if not founded on justice, was at least followed up with consistency. Their influence in the State was feared, and they were not only restricted from holding offices of power or trust, but rendered incapable of purchasing lands, or acquiring influence of any kind. But if the Roman Catholics of those times were Papists in the strictest sense of the word, and not the Roman Catholics of the present day, still he would say, that the Legislature ought not to have acted against them, till they put in practice some of the dangerous doctrines which they were thought to entertain.

tain. Disability and punishment ought to have followed, not to have anticipated, offence. Those who attempted to justify the disabilities imposed on the Dissenters, must contend, if they argued fairly on their own ground, not that their religious opinions were inimical to the Established Church, but that their political opinions were inimical to the Constitution. If they failed to prove this, to deprive the Dissenters of any civil or political advantage, was a manifest injustice; for it was not sufficient to say to any set of men, we apprehend certain dangers from your opinions, we have wisely provided a remedy against them, and you, who feel yourselves aggrieved, calumniated, and proscribed, by this remedy, must prove that our apprehensions are ill founded. The *onus probandi* lay on the other side; for who-ever demanded that any other person should be laid under a restriction, it was incumbent on him first to prove that the restriction was necessary to his safety, by some overt act, and that the danger he apprehended was not imaginary, but real. No such thing had been attempted by the Noble Lord. He had spoken liberally and handsomely of the Dissenters. Why? because he felt the propriety and the justice

justice of it. He knew that they had been steady in their attachment to Government; that their religious opinions were favourable to civil liberty, and that the true principles of the Constitution had been remembered, and asserted by them, at times when they were forgotten, perhaps betrayed, by the Church. Such had been the character of the Dissenters. Were their political opinions now different from what they had been formerly? Were they more formidable from their numbers, more dangerous from their principles, more considerable in any respect, except, perhaps, from the talents of some of their members? No such thing was asserted; and the Noble Lord finding their exclusion from an equal participation of power with their fellow-subjects, a topic on which it was impossible for him to serve his cause, had entered on a more pleasing theme—a panegyric on the Church of England; which he said had shared the dangers, and the fate of the State, had sunk and risen with the Constitution, and therefore ought to be peculiarly endeared to us. Mr. Fox said, he felt no difficulty to join in the panegyric, but he could not consent to adopt the conclusion—that the happiness of the State was dependent

pendant on the flourishing state of the Church ; for who, that perused the history of those dangers, which the Church had shared, in common with the State, but must see, that the Church might have been triumphant, while the State was in ruin ? Was it seriously to be contended, that religion depends upon political opinions ; that it can subsist only under this, or that form of government ? It was an irreverend and impious opinion to maintain, that the Church must depend for support, as an engine, or ally, of the State, and not on the evidence of its doctrines, to be found by searching the Scriptures, and the moral effects it produced on the minds of those whom it was its duty to instruct. The Noble Lord had praised the moderation of the Church. To this, however, there were some exceptions. In the reign of Charles II. her fortitude had been greater than her moderation ; in that of James II. her servility had been greater than either ; under King William, and, still more under Queen Anne, so little had the clergy been distinguished for moderation, that they had frequently disturbed the nation, by their affected alarm for the safety of the Church ; and he never apprehended persecution to be so near, as when those
who

who were actually possessed of power cried out, “ that they were in danger;” on the well known maxim—

Omnia formidant, formidanturque tyranni.

Since the accession of the House of Brunswick, that auspicious æra in the history of the constitution, the Church had merited every praise, because it had not been indulged in its whims, or imaginary fears. Since that time it had flourished, and improved: but how? by toleration and moderate behaviour. And how had these been produced? by the members of the Established Church being forced to hear the arguments of the Dissenters; by their being obliged to oppose argument to argument, instead of imposing silence by the strong hand of power; by that modest confidence in the truth of their own tenets, and charity for those of others, which the collision of opinions, in open and liberal discussion, among men living under the same government, and equally protected by it, never fails to produce. Moderation, therefore, and indulgence to other sects, were equally conducive to the happiness of mankind, and the safety of the Church; and for that moderation and liberality of

of sentiment, by which the Church had flourished during the two last reigns, and the present, was she indebted to those very Dissenters from whom she thought herself in danger. Having spoken thus much on tests in general, Mr. Fox said, he would speak of the Test Act in particular. With regard to the Test Act, he thought, the best argument that could be used in its favour was, that if it had but little good effect, it had also little bad. In his opinion it was altogether inadequate to the end it had in view. The purport of it was, to protect the Established Church, by excluding from office every man who did not profess himself well affected to that Church. But a professed enemy to the hierarchy might go to the communion table, and afterwards say, that in complying with a form, enjoined by law, he had not changed his opinion, nor, as he conceived, incurred any religious obligation whatever. There were many men, not of the Established Church, to whose services their country had a claim. Ought any such man to be examined, before he came into office, touching his private opinions? Was it not sufficient that he did his duty as a good citizen? Might he not say, without incurring any disability,

“ I am

" I am not a friend to the Church of England,
 " but I am a friend to the Constitution, and
 " on religious subjects must be permitted to
 " think and act as I please." Ought their
 country to be deprived of the benefit she might
 derive from the talents of such men, and his
 Majesty prevented from dispensing the favours
 of the Crown, except to one description of his
 subjects? But whom did the Test exclude,
 the irreligious man, the man of profligate
 principles, or the man of no principle at all?
 Quite the contrary; to such men the road to
 power was open; the Test excluded *only* the
 man of tender conscience; the man who
 thought religion so distinct from all temporal
 affairs, that he held it improper to profess any
 religious opinion whatever, for the sake of a
 civil office. Was a tender conscience incon-
 sistent with the character of an honest man?
 or did a high sense of religion shew that he
 was unfit to be trusted? But the Noble Lord
 said the Established Church ought to be pro-
 tected. Granting this, it was next to be in-
 quired, what was the Established Church.
 Was the Church of England the Established
 Church of Great Britain? Certainly not; it
 was only the Established Church of a part of
 it;

it; for, in Scotland, the Kirk was as much established by law as the Church was in England. The religion of the Kirk was wisely secured, as the established religion of Scotland, by the Articles of Union; and it was surely absurd to say, that a member of the Kirk of Scotland, accepting an office under Government, not for the service of England exclusively, but for the service of the united kingdoms, should be obliged to conform, not to the religious establishment of Scotland, in which he had been bred, but to the religious establishment of England. It was singular to contend for any principle of persecution, when the only principle on which it could ever have been reconciled to a rational mind was abandoned, not only in speculation, but in practice. In antient times, persecution originated in the generous, though mistaken principle, that there could be but one true religion, but one faith, by which men could hope for salvation; and it was held to be not only lawful, but meritorious, to compel them to embrace the true faith, by whatever means. The rectitude of the intention might perhaps be some excuse for the barbarity of the practice. But how did we act? We acknowledged not *one* true religion,

religion, but *two* true religions—a religion for England, and a religion for Scotland ; and having been originally liberal in the institution of two Churches of equal right, we became illiberal in our more enlightened days, and granted to the Members of one Established Church, what we denied to those of another equally established. According to this doctrine of protecting the Church of England, had the practice kept pace with the principle, the country must have been deprived of all those gallant men, members of the Kirk of Scotland, who had so eminently distinguished themselves in the army and the navy, who had added learning and dignity to the Courts of Justice, and wisdom to his Majesty's Councils. If tests were right, the present was clearly a wrong one, because it shunned all the purposes for which tests were originally introduced. The candour of the Noble Lord, and the information he had doubtless collected upon inquiry since, Mr. Fox said, had enabled him to satisfy the House in a point which had not been answered two years ago, and that was, in the case of a person who was a notorious evil doer, who applied for the Sacrament. The manner of the Noble Lord's answer, Mr.

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Fox said, was rational, and from the good sense of it, he had no doubt it was the true answer; but only then, let them see the situation in which A or B, or the person who upon application to a minister had been refused the Sacrament, was placed: from that moment he had incurred the penalties of the Act, and was punished in a manner perfectly new, unexampled, and unauthorised by the laws of the land; he was convicted without a trial by jury, and was disabled from enjoying an office which his Majesty, in the *legal exercise of his prerogative, had thought proper to confer on him;* and a person was thereby absolutely put into the hands of the clergy, who were to be the great arbitrators of qualification or disqualification for offices, and places of power and emolument. After commenting upon this new and unconstitutional mode of persecution, Mr. Fox observed, that the old argument of the length of time that the Test and Corporation Acts had subsisted, had been introduced and relied on; it was true, he said, that they had so subsisted for nearly a century; but how had they subsisted? By repeated suspensions; for the Indemnity Bills were, he believed, literally speaking, annual Acts. And where then would

would be the impropriety of suspending them for ever, by an act of perpetual operation? With regard to the Noble Lord's argument relative to the evading of these Indemnity Bills, he admitted, if any person neglected to conform, merely for the sake of evading the law, he certainly acted in direct opposition to an Act of Parliament, and did not conduct himself as a good subject ought to do. While an act was deemed fit to remain in force, it was the duty of every good subject not to evade it. Indeed the only justification of evading a statute, that could be for a moment maintained, was, where that statute notoriously ought not to remain in force; and when to evade it, on account of its nature and tendency, was meritorious. He trusted, however, that the House would consent to go into the Committee, because, if they meant to resist the repeal of the Test Act, they ought, at least, to go into the Committee, to inquire whether it was fitting or necessary to be repealed, or not, and not deny the requisition, as if they were ashamed even to look at the Statutes in question; as if they were ashamed to examine, lest they should be convinced.

Mr. Fox entered into an history of the Test Act, and shewed that, in consequence of a violent alarm from the Papists, it had been introduced with a view to exclude them, and *them only*, from office; that the Dissenters had cordially joined it in, and consented to their own exclusion, thinking that a less evil, than to leave the door open to Papists: And “ will you “ then,” said he, “ take advantage of their “ patriotism, and convert what they consented “ to as necessary for the general safety at that “ time, into a perpetual exclusion against them-“ selves ? Was it thus the Church would re-“ ward the service they had done her, in the “ day of her distress ? ” After farther reasoning to press, if not for an immediate repeal, at least for the appointment of a Committee to inquire, whether a repeal of the Act in question were necessary; Mr. Fox alluded to the occasional Conformity Act, that had been repealed a few years since, and observed, that they had that day heard, that the Church of England was in its glory; the Church of England, therefore, (according to the arguments of the Noble Lord, and the advocates for the continuance of the statutes, which he contended were equally unnecessary and unjust to remain in force any longer,

longer, had not suffered, but gained by what they had feared would have proved injurious and detrimental to her interests. The Dissenters, he remarked, had been stated to be pious and good men, but it had been said, that they might, nevertheless, be no friends to the Church of England. Surely, if they were dangerous anywhere, it must be as Members of Parliament, and as Electors of the representatives of the people; and yet they were suffered to sit as the one, and vote as the other. Mr. Fox declared himself a friend to an established religion, in every country, and wished that it might always be that, which coincided most with the ideas of the bulk of the State, and the general sentiments of the people. In the southern parts of Great Britain, hierarchy was the established Church, and in the northern, the Kirk; and for the best possible reason, because they were each most agreeable to the majority of the people, in their respective situations. It would, perhaps, be said, that the repeal of the Corporation and Test Acts might enable the Dissenters to obtain a majority. This he hardly thought probable; but the answer was short, *viz.* If the majority of the people of England

should ever be for the abolition of the Established Church, then it ought to be abolished.

With regard to what the Hon. Gentleman (Mr. Beaufoy) had said, respecting the multiplying oaths, Mr. Fox declared that he agreed with him, that there were too many oaths imposed by the Statutes in force. What, he asked, could be a greater proof of the indecency resulting from the practice of qualifying by oaths, than if, when a man was seen going to take the Sacrament, it should be asked, “ Is this “ man going to make his peace with God, and “ to repent him of his sins ? ” the answer should be, “ No ; he is only going there, because he “ has lately received the appointment of First “ Lord of the Treasury.” After a great many apposite observations on the Test Act, and the various objections it was liable to, Mr. Fox spoke of the Corporation Act, which he remarked Lord North had declared to have been *forced* from the Legislature as an act of *self-defence* ; this was, he said, exactly the description of an Act, which, after the lapse of a century, when the grounds and reasons for passing it no longer existed, ought to be repealed. The Noble Lord had truly stated, that the Corporation

Corporation Act was forced from the legislature, in the reign of Charles II., by the violence of the sectaries, which had not only overturned the Church, but the State, and that so lately; that threatening to do so again, it became necessary to apply a present preventive, to guard against the impending danger. No better argument, he repeated, need be urged against it now, than that it had been *extorted* from the Legislature by resentment of past injuries, and the dread of future, a century ago. Fear and indignation had operated on the Parliament of Charles II.—Did the same motives operate on the Parliament of George III.? certainly not; and could there be any reason for continuing an Act, when the violence that gave birth to it had, long since, subsided. After descanting upon this part of the subject, he laid it down as a position that party and religion were separate in their views and in their nature; that it was for the reputation of both that they should remain so; he therefore urged the injustice of harassing the Dissenters with penalties, disabilities, and statutable restrictions; men whose morals were not inconsistent with the religion of the Church of England, and whose sentiments were favourable

to the family on the throne. It had been said, that in France it was customary for Protestants to be employed in the army, and in civil offices, and that in Protestant countries abroad, Papists were also employed. In reply to this the noble Lord had given an ingenious and able answer, but let it be examined. The noble Lord had said, the monarch of a free country was limited, while the employing whom the Prince pleased, was one of the trivial advantages incidental to absolute power. But wisdom, is the offspring of freedom; and should a people who boasted of their freedom, among whom, he firmly believed, men of enlightened understandings were more common than among those who lived under a less happy form of government, reject those liberal principles of Toleration which other nations had adopted? Let not then Great Britain be the last to avail herself of such an advantage. Indulgence to other sects, a candid respect for their opinions, a desire to promote mutual charity and goodwill, were the best proofs, that any religion could give, of its divine origin. To the Church of England in, particular, he would say,

Tuque prior, tu parte genus qui ducis Olympos.

Mr.

Mr. Martin made a short speech, in which he declared his concurrence with the Motion, wishing that, in matters of religious worship, every man might be permitted to follow that form which was most agreeable to himself, although he certainly thought some forms were more rational than others. Mr. Martin added a few more words, which we did not distinctly hear.

The Chancellor of the Exchequer then rose, and began a masterly reply to Mr. Fox, with stating, that as he had, two years ago gone, much at length into the detail of his opinion on the subject, it would not be necessary for him to take up a great deal of the time of the House in answering the arguments of the Hon. Gentleman, which he had stated with great eloquence and ingenuity. He perfectly agreed with the Right Hon. Gentleman in the broad principle he had laid down as a general principle, that the religious opinions of any set of men were not to be restrained and limited, unless they should be found likely to prove the source of civil inconvenience to the State, nor ought the civil Magistrate, in any other point of view, to interfere with them.

But

But there had always been admitted to be this solid distinction, that although there is no natural right to interfere with religious opinions, yet when they are such as may produce a civil inconvenience, the Government has a right to guard against the probability of the civil inconvenience being produced; nor ought they to wait till, by being carried into action, the inconvenience has actually arisen. It was, therefore, an overstraining of the principle, when the Right Hon. Gentleman declared, that in no case was it warrantable for a Legislature to interfere with men's religion. With regard to *Papists*, (to use the Hon. Gentleman's own words) as they stood a century ago, when all their abominable doctrines that clung to them, were thought fit objects of the precaution of the State, and it was the policy of the Government to pass the Test Act for that purpose; the Hon. Gentleman had said, that their prejudices were removed, and that they were very differently affected at present; to that he ascribed, but believed the alteration for the better had not merely taken place here, nor was by any means peculiar to Great Britain. It was, he believed, pretty generally felt upon the Continent, and was owing to the universal improvement and intelligence that had

had spread itself through all ranks of people, which had contributed to enlighten their minds, soften their hearts, and enlarge their understandings. Mr. Pitt declared, he was ready to do justice to the Dissenters of former times, as he was ready to do justice to the present. It was not on the ground that they *would* do any thing to affect the civil Government of the country, that they had been excluded from holding civil offices, but that if they had any additional degree of power in their hands, they *might*. It would, he believed, be admitted by all men, that the establishment of a settled form of Church, and of its Ministers, was necessary to the civil Government of the country. Was it then proper to prevent the emoluments and offices of the Established Church from being distributed among persons, whose characters, however respectable they might be, were not Members of the same Communion? The Question, therefore, had been, whether these offices, which might in one view be considered as a matter of favour, and in another as a matter of trust, should be given to persons well affected to the Church, or to persons of a very different description. He said, it was a matter of favour, because it was consistent with

with the Government of this Country, that all offices should be given at its discretion; and here, from the delicate nature of the case, the Legislature had thought proper to interpose, and to restrain the Supreme Magistrate, the head of the Executive Authority, and limit him in his appointment to these offices: but surely this differed essentially from any degradation, disgrace, or punishment, of the Dissenters. It was necessary for the House to consider the danger; and here he declared he meant not to impute views to men, which many of them disclaimed, and who professed to be well-wishers to the Established Church; but there were others among them, as the Dissenters themselves well knew, who had held a very different conduct, and not only objected against many of the doctrines of the Established Church, but went so far as to contend against the propriety of there being any establishment at all. There would surely, therefore, be some little degree of rashness, and of danger, in placing offices in the hands of persons of this description. So far then for the purport of this Act, which had most unjustly been termed a persecution of the Dissenters in general. With regard to one other argument urged by the Right Hon. Gentleman, and tending to perplex

plex the subject, the Right Hon. Gentleman mentioned the Kirk of Scotland; the Kirk of Scotland did not complain, and therefore there was no ground of objection there. Besides, the Hon. Gentleman had said, that persons did come from Scotland, and took civil and military offices upon themselves; that being the case, the Right Hon. Gentleman's argument in that respect failed him, because he could not have the benefit of the argument both ways. He agreed with Lord North in several parts of his argument, particularly that the law had existed for above a century, and that it had ever been looked upon as one of the props and bulwarks of the Constitution. He denied that it tended to exclude some sets of Protestant Dissenters while it excluded others. After a good deal more reasoning, he declared the repeal of the Acts in question would open the door again to all the abuse and danger it had been designed to guard against. He spoke of the quiet and regularity that obtained at present in relation to religious differences, and said, if there were any thing, that could interrupt the harmony and moderation between sects, once contending with great virulence and asperity, it was, that of awakening a competition, and rekindling the sparks of

ancient animosity, which mutual forbearance had almost stifled and extinguished. On these principles he must deny his consent to the motion, and contend for the principles he had formerly stated.

Mr. Fox said a word or two in explanation.

Mr. Wyndham said, he would trouble the House with a few words only, which would bring the question into a very narrow compass. The whole seemed to turn on a question of fact. He feared he differed from his Right Hon. Friend, and from the Right Hon. Gentleman over the way. He could not agree, with his Right Hon. Friend, that it would not be proper to exclude any man from a participation of power on account of his religious opinions ; neither could he agree, with the Right Hon. Gentleman, that such exclusion was little less exceptionable, unless the sentiments affected the Civil Government of the country. He thought that religious opinions became part of the Constitution of the Country. Having said this, he declared, he thought that this exclusion was not to be considered as a punishment, but, as the Noble Lord had termed it, an Act of self-defence. The Noble Lord had well

well handled the difference of self-defence and persecution, but he would recollect that it was a varying doctrine necessarily, and when, after a lapse of time, facts, and premises had changed and shifted, and the whole system was to be looked at *alio intuitu*, it might be warrantable to give way. The Hon. Gentleman had said, the repeal would open the door to abuse; it certainly would open the door, but it would do it so far only as to enable the Dissenters to feel themselves no longer proscribed, but that they were admissible to power, he should think it ought to be done. He did not think they had any disposition to affect the Established Church; and if they had, the desired repeal did not give them the power, for what power was it, compared to that of being Electors and Members of Parliament?

Mr. Isaac Hawkins Browne rose to say a few words, but the House was so clamorous for the Question, that little of what Mr. Browne said could be heard. He agreed with Mr. Windham in many of the principles he laid down, but could not agree with him in the conclusion. He agreed with him, that the Roman Catholics were really deprived of many rights, to which they had a just claim. He agreed with him

him, that the Protestant Dissenters were a respectable part of the community, but when a claim of right was made upon principle, it was the justice of the claim, not the character of individuals, which ought to determine the conduct of the House. They ought not only to consider what the Protestant Dissenters now were, with respect to their temper and affections, but what persons of that denomination might be in future times. Mr. Browne observed, that a considerable number of the Dissenters, from the first act of toleration to the present time, had never thought it unlawful to communicate with the Church of England, but had taken every opportunity of shewing their moderation and Christian charity. They, therefore, had not been excluded from any of the favours of the Crown, nor deprived of any power in the State, since the repeal of the Act against *Occasional Conformity* in the reign of George the First.

Mr. Browne could not conceive it possible for any Dissenters to refuse to communicate with the Church of England, unless they really thought the doctrines of that Church to be so fundamentally erroneous, as to be highly prejudicial to the members of it, or at least to endanger

endanger their own salvation, if they joined in any solemn act of religious worship with it. It was no reflection upon Dissenters of this description to suspect, that they would use any power they might acquire to the injury of the Established Church, for they were in conscience bound to it, or rather they were in conscience bound not to accept those trusts, from which the law, which it is now proposed to repeal, excludes them; for no man ought to take upon himself the office of a magistrate, unless he approves the general principle of all those laws, which it is his duty to execute. Mr. Browne urged, that the Dissenters of this description were now in the actual enjoyment of every right to which they had a claim, upon the most liberal principles. They had now the power of worshipping God according to their own consciences, of chusing their own teachers and schoolmasters, of educating their children in their own tenets, of electing Members of Parliament, of sitting themselves in either House of Parliament, and of proposing there any laws for the reformation, or the destruction, of the Established Church. All these privileges they now fully possessed. He thought that these were all they could claim, upon any principle of toleration, and all which

could be allowed them without depriving the Established Church of those securities, which, in times of danger, had proved, and might again prove her necessary defence.

Mr. Browne allowed that his honourable Friend (Mr. Beaufoy), who had opened this debate with great ability, had stated a description of persons, many of whom, he said, were of the Church of England, who had no scruple to receive the Sacrament according to the rites of the Church of England, unless they were required to receive it as a qualification for a civil office, which they considered as a prostitution of the most sacred act of our religion. Mr. Browne was very ready to consent to any other Test being substituted, instead of the sacramental one, for their relief, if they would propose a Test equally strong and effectual. He thought this proposition would be highly deserving the attention of the House, not only as giving relief to persons entitled to it, but as removing a just cause of scandal.

When the Question was put from the Chair, the House divided.

| | | |
|----------|---|------------|
| Ayes | - | 102 |
| Noes | - | <u>122</u> |
| Majority | - | 20 |

THE END.



